

111TH CONGRESS
1ST SESSION

H. R. 958

To amend title 5, United States Code, to make unused sick leave creditable, for purposes of the Federal Employees' Retirement System, in the same manner as provided for under the Civil Service Retirement System.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2009

Mr. MORAN of Virginia (for himself, Mr. WOLF, Mr. CONNOLLY of Virginia, Mr. RUPPERSBERGER, Ms. EDWARDS of Maryland, Mr. SARBANES, Mr. PETRI, and Mr. HOLT) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend title 5, United States Code, to make unused sick leave creditable, for purposes of the Federal Employees' Retirement System, in the same manner as provided for under the Civil Service Retirement System.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CREDIT FOR UNUSED SICK LEAVE UNDER THE**
4 **FEDERAL EMPLOYEES' RETIREMENT SYSTEM.**

5 (a) IN GENERAL.—Section 8415 of title 5, United
6 States Code, is amended—

1 (1) by redesignating the second subsection (k)
2 and subsection (l) as subsections (l) and (m), respec-
3 tively; and

4 (2) by amending subsection (l) (as so redesign-
5 ated by paragraph (1)) to read as follows:

6 “(l) In computing any annuity under this section, the
7 total service of an employee who retires under section
8 8412 or 8414 or who dies leaving a survivor or survivors
9 entitled to benefits under subchapter IV includes the days
10 of unused sick leave to such employee’s credit under a for-
11 mal leave system, except that these days will not be count-
12 ed in determining average pay or annuity eligibility under
13 this chapter. For the purpose of this subsection, in the
14 case of any such employee who is excepted from sub-
15 chapter I of chapter 63 under section 6301(2)(x)–(xiii),
16 the days of unused sick leave to such employee’s credit
17 include any unused sick leave standing to such employee’s
18 credit when such employee was excepted from such sub-
19 chapter.”.

20 (b) CONFORMING AMENDMENT.—Section 8422(d)(2)
21 of title 5, United States Code, is amended by striking
22 “8415(k)” and inserting “8415(l)”.

1 **SEC. 2. RULE RELATING TO CREDITABILITY OF UNUSED**
2 **SICK LEAVE IN COMPUTING FERS COMPO-**
3 **NENT OF ANNUITY IN THE CASE OF AN EM-**
4 **PLOYEE WHO MAKES AN ELECTION UNDER**
5 **SECTION 301 OF THE FEDERAL EMPLOYEES'**
6 **RETIREMENT SYSTEM ACT OF 1986.**

7 Section 302(a)(8) of the Federal Employees' Retire-
8 ment System Act of 1986 (5 U.S.C. 8331 note) is amend-
9 ed—

10 (1) by striking “(8)” and inserting “(8)(A)”;

11 and

12 (2) by adding at the end the following:

13 “(B) For purposes of any computation under para-
14 graph (5) in the case of an individual who retires under
15 section 8412 or 8414 of title 5, United States Code, or
16 who dies leaving a survivor or survivors entitled to benefits
17 under subchapter IV of such chapter, sick leave creditable
18 under section 8415(l) of such title shall be equal to the
19 number of days by which—

20 “(i) the number of days of unused sick leave to
21 the individual’s credit as of the date of retirement,
22 exceeds (if at all)

23 “(ii) the number of days of unused sick leave to
24 the individual’s credit as of the effective date of the
25 individual’s election under section 301.”.

1 **SEC. 3. EFFECTIVE DATE.**

2 The amendments made by this Act shall take effect
3 on the date of enactment of this Act and shall apply with
4 respect to any annuity, entitlement to which is based on
5 a separation occurring on or after such date of enactment.

○